

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



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Executive Director  
Catherine Betts, JD

Email:  
Catherine.a.betts@hawaii.gov  
Visit us at:  
humanservices.hawaii.gov  
/hscsw/

235 S. Beretania #407  
Honolulu, HI 96813  
Phone: 808-586-5758  
FAX: 808-586-5756

February 3, 2015

To: Representative Dee Morikawa, Chair  
Representative Bertrand Kobayashi, Vice Chair  
Members of the House Committee on Human Services

From: Cathy Betts  
Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in Support, HB 446, Relating to Domestic Violence

Thank you for this opportunity to testify in strong support of HB 538 which would allow victims of domestic violence to provide documentation of their status as a victim in order to be released from a shared cell phone contract.

Being forced to share a continued mobile contract with an abuser makes it even more difficult for a victim to leave. Abusers will often manipulate their partners through cell phones in a number of ways: abusive and harassing text messages, racking up charges on cell phones, and stalking through cell phone location are just a few. These not only have safety implications for victims but also financial implications, potentially increasing a victim's financial dependence on an abuser.

Being tied to an abuser through a joint or family contract can lead to continued harassment and abuse--abusers can track victims through GPS signals, cell phone location, and can access crucial information about their partners, including if and when they've contacted a domestic violence hotline or others for help. While it would make sense to have all telecommunications carriers change their policies, some have been more responsive than others. Legislation is needed to create uniform policy.

Finally, this bill allows for very little chance of fraud. Sufficient documentation would include a written police report detailing the abuse, a protective order from the courts, or a signed affidavit from a licensed health care provider.

The Commission supports HB 538.





To: Chair Morikawa  
Vice Chair Kobayashi  
Members of the Committee on Human Services

Fr: Nanci Kreidman, MA

RE: HB 538 Support

Recently, a single mother of three made the courageous decision to leave her abuser, who for years, maintained power and control over her through verbal, emotional, and physical violence. When he realized she left, he immediately set out to punish her. They shared a cell phone family plan under her name and in just one month, he racked up over \$800 in charges; an unfathomable sum for a newly single mother. She tried to negotiate with her carrier and explained her predicament. Yes, she works, but she was also trying to survive on just one small income. The manager she spoke with was sympathetic, but told her nothing could be done about the charges and she'd have to pay an additional \$200 to terminate her contract. Defeated, she felt like there was no other choice but to go back to her abusive partner.

As a tactic to maintain power over someone, abusive partners will often create debts in their victim's name. Credit cards, loans, and cell phone plans are opened either out of trust or through coercion. Then later, usually when a victim tries to leave the relationship, she discovers a multitude of debts that she cannot possibly pay back. With an obliterated credit history, it's nearly impossible for her to find housing, obtain a student loan, or find a different cell phone carrier. This insidious form of financial abuse has lasting effects on a survivor's ability to truly be free of her partner's control and violence.

A survivor's access to a mobile phone is not a luxury. It can be an imperative tool to keeping her safe. Cell phones are used to call domestic violence shelters, legal services, helplines, and the police. They keep a survivor in touch with domestic violence advocates, attorneys, and social workers. Without a cell phone, a survivor of domestic violence is isolated from a network of services, organizations, and individuals who are able to help. Many cases at the Domestic Violence Center are closed because advocates and attorneys are unable to maintain contact with survivors. This bill gives survivors a chance to maintain a cell phone, without the oppressive debt left for them by their abusers.

This testimony is provided to request your favorable consideration of House Bill 538, which can eliminate one of the many obstacles survivors face when seeking such freedom. Requiring wireless communication providers to release survivors from their contracts, without a termination fee, can mean the difference between staying and leaving.

Thank you.



## **HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE**

To: Chair Dee Morikawa  
Vice-Chair Bertrand Kobayashi  
HOUSE COMMITTEE ON JUDICIARY

From: Marci Lopes, Executive Director  
Hawaii State Coalition Against Domestic Violence

RE: HB 538 – SUPPORT

PLACE: Conference Room 329

DATE and TIME: Tuesday, February 3, 2015 @ 8:30 AM

The Hawaii State Coalition Against Domestic Violence is in strong support of HB538, which allows independence from wireless service contracts when a victim makes the difficult choice to separate from an abuser. Often, financial and contractual obligations may serve as a barrier to leaving a violent relationship as the burden of financial responsibility remains on the victim who in many cases has endured long standing economic abuse from her perpetrator.

Wireless contract cancellation fees may be substantial and not within the financial limitations a victim of domestic violence has during the termination of the relationship to the abuser. These fees amplify economic strain for domestic violence victims and further limit the access to monetary resources when trying to reestablish financial independence and security. The release of domestic violence victims from wireless contracts that involve their abuser also assist in promoting the victim's safety as there will be one less connection to the abuser they are seeking to separate from. The ability to obtain a new phone number or alternate telecommunication services will also provide security for a victim who has endured harassment from the abuser via multiple phone calls, text messages, and other attempts to make contact.

Hawaii's domestic violence victims will benefit significantly from the ability to opt out of wireless contractual obligations by easing financial burden, reducing the potential for negative marks on their credit scores, and increasing safety with the ability to obtain a new phone number. We urge the Committee to pass HB538. Thank you.

Hawaii State Coalition Against Domestic Violence  
810 Richards Street, Suite 960  
Honolulu, HI 96813  
mlopes@hscadv.org | [www.hscadv.org](http://www.hscadv.org) Tel: 808-832-9316 ext. 1 | Fax: 808-841-6028

## kobayashi2-Lynda

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 01, 2015 1:59 PM  
**To:** HUS testimony  
**Cc:** kat.caphi@gmail.com  
**Subject:** Submitted testimony for HB538 on Feb 3, 2015 08:30AM

### **HB538**

Submitted on: 2/1/2015

Testimony for HUS on Feb 3, 2015 08:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Brady	Community Alliance on Prisons	Comments Only	No

Comments: We need a statewide policy to protect survivors of domestic violence. We have laws against stalking and the cell phone has become a weapon for batterers. Please protect our families by mandating compassionate and humane policies from companies doing business here. Mahalo nui!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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February 3, 2015

To: Representative Dee Morikawa, Chair  
Representative Bertrand Kobayashi, Vice Chair  
Members of the **House Committee on Human Services**

From: Dr. Susan J. Wurtzburg  
Policy Chair, American Association of University Women – Hawaii

Re. **Testimony in Support, HB 538, Relating to Release of Domestic Violence Victims from Shared Wireless Plans**

I am grateful for this opportunity to testify in strong support of HB 538, providing survivors of domestic violence with the means to opt-out of communicative device contracts without financial penalty. This is helpful for victims striving to separate from violent perpetrators, providing them with the means to increase safety, while not financially crippling them.

Many years ago, I worked for Christchurch Women's Refuge (a Battered Women's Shelter) in New Zealand. At that time, few victims possessed hand-held communicative devices. However, in that technologically simpler time, survivors of violence still had to deal with many other costs of separating themselves physically and economically from their violent family members, and the financial costs were often horrendous. Violent perpetrators would often attempt to inflict financial harm on their departing spouses or partners using any available means.

In the current technologically sophisticated world, victims of violence need a simple cost-free method for separating their telecommunications devices from those of their abusers. A cell phone is often key for survivors, allowing them to contact police and other help, as needed. When financial penalties result from changing contracts, survivors may make the decision to forfeit safety, given all the other costs of finding safe housing, feeding children, and other needs.

Thank you for the opportunity to testify.



February 3, 2015

To: Representative Dee Morikawa, Chair  
Representative Bertrand Kobayashi, Vice Chair  
Members of the **House Committee on Human Services**

From: Linda Vee Weiland  
Past President, American Association of University Women – Honolulu

Re: **Testimony in Support, HB 538, Relating to Release of Domestic Violence Victims from Shared Wireless Plans**

I am grateful for this opportunity to testify in strong support of HB 538, providing survivors of domestic violence with the means to opt-out of communicative device contracts without financial penalty. This is helpful for victims striving to separate from violent perpetrators, providing them with the means to increase safety, while not financially crippling them.

I have worked with victims of Domestic Violence in different capacities over the years as a volunteer in numerous organizations and as part of my duties as a United States Naval Officer. I have observed the trauma and the PTSD that accompanies victims/ survivors of violence had to deal with separating themselves physically and economically from their violent family members, and the financial costs were often horrendous. Violent perpetrators would often attempt and some were successful at inflicting financial, mental, and bodily harm on their departing spouses or partners using any available means.

In the current technologically sophisticated world, victims of violence need a simple cost-free method for separating their telecommunications devices from those of their abusers. A cell phone is often key for survivors, allowing them to contact police and other help, as needed. When financial penalties result from changing contracts, survivors may make the decision to forfeit safety, given all the other costs of finding safe housing, feeding children, and other needs.

Thank you for the opportunity to testify.

Linda Vee Weiland

Digitally signed by Linda Vee Weiland  
DN: cn=Linda Vee Weiland, o=ERAU, ou=Avn  
Maint, email=weila8f3@erau.edu, c=US  
Date: 2015.02.02 07:38:22 -10'00'

Linda Vee Weiland  
Past President AAUW Honolulu  
Past President Zonta Club Honolulu  
LCDR USN Retired

**kobayashi2-Lynda**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 30, 2015 5:58 PM  
**To:** HUS testimony  
**Cc:** kalawaiag@hotmail.com  
**Subject:** \*Submitted testimony for HB538 on Feb 3, 2015 08:30AM\*

**HB538**

Submitted on: 1/30/2015

Testimony for HUS on Feb 3, 2015 08:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Kalawai'a Goo	Individual	Support	No

**Comments:**

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**kobayashi2-Lynda**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 31, 2015 8:06 AM  
**To:** HUS testimony  
**Cc:** jlouis@hawaii.edu  
**Subject:** \*Submitted testimony for HB538 on Feb 3, 2015 08:30AM\*

**HB538**

Submitted on: 1/31/2015

Testimony for HUS on Feb 3, 2015 08:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Jamie Louis	Individual	Support	No

**Comments:**

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February 1, 2015

To: Chair Morikawa  
Vice Chair Kobayashi  
Members of the Committee on Human Services

From: Melinda Wood

Regarding: HB 538 Support

I strongly support HB 538 requiring telecommunications carriers to release individuals from shared or family wireless plans, without charge, upon written request in documented instances of domestic violence. This bill will protect victims from cyber-stalking, harassment, and other forms of telecom abuse. These situations are not just the stuff of scary TV shows, but are real occurrences for women across our state.

Hawaii has historically been a national leader on many critical issues of social protection for its citizens, but we are currently behind the majority of states that have already passed similar legislation. Without this legislation, telecom providers will continue to focus on their bottom line rather than on the safety of their customers. I urge you to pass this bill to create another layer of security for women who have already been victimized.

February 3, 2015

**Testimony in Support of HB538, Relating to Domestic Violence**

**To:** Representative Dee Morikawa, Chair  
Representative Bertrand Kobayashi, Vice Chair  
Members of the House Committee on Human Services

**From:** Fawn Jade Koopman, Esq.

**Re:** Testimony in Support of HB538, Relating to Domestic Violence

I would like to thank the committee for the opportunity to provide testimony in strong support of HB538, which would require wireless communication providers to release survivors from contracts with their abusers with no termination fee, and provide an alternative phone number and phone service upon request.

Shared cell-phone and data plans within families are common. But, in a relationship with domestic violence, it could pose significant safety concerns. Under a shared plan, where an abuser is the account manager, he has full access to a woman's voicemail, her call history, and her text message history. If she has an iPhone, and the GPS is turned on, an abuser has access to every single location she has ever visited once he uploads the data to a computer. On any smartphone he may even download applications allowing him to track her location in real time. Clearly, this is incredibly dangerous for a woman attempting to safely leave her abuser, and she may request to terminate her shared plan in an effort to escape. Nearly every wireless provider permits termination of these plans with an early termination fee ranging from \$150 to \$350. Further, in order to switch to a new plan or activate a new account the fees costs an estimated \$40. This is an extraordinary amount of money for a survivor with no income, or no access to her bank accounts.

This bill eliminates a major financial obstacle that many survivors face when they make the decision to leave their abuser. It also creates an opportunity for survivors to maintain a cell phone of their own, which may be used to call a network of services available in our community.

I respectfully request this committee pass House Bill 538.

Thank you for this opportunity to testify.



Hawaii Women's Coalition

**LATE**

**COMMITTEE ON HUMAN SERVICES**

Rep. Dee Morikawa, Chair

Rep. Bertrand Kobayashi, Vice Chair

DATE: Tuesday, February 03, 2015  
TIME: 8:30 a.m.- 10:30 a.m.  
PLACE: Conference Room 329

**STRONG SUPPORT FOR HB 538**

The Coalition is in strong support of this bill.

According to the Domestic Violence Action Center, perpetrators often use the shared cell phone contract by racking up charges on the phone, which can result in her inability to pay and thus be shut out of her primary source of communication.

A survivor's access to a mobile phone is not a luxury. It can be an imperative tool to keeping her safe. Cell phones are used to call domestic violence shelters, legal services, helplines, and the police. They keep a survivor in touch with domestic violence advocates, attorneys, and social workers. Without a cell phone, a survivor of domestic violence is isolated from a network of services, organizations, and individuals who are able to help. Many cases at the Domestic Violence Center are closed because advocates and attorneys are unable to maintain contact with survivors. This bill gives survivors a chance to maintain a cell phone, without the oppressive debt left for them by their abusers.

Requiring wireless communication providers to release survivors from their contracts, without a termination fee, can mean the difference between staying and leaving. Please pass the important bill out of committee.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition

Contact: [annsfreed@gmail.com](mailto:annsfreed@gmail.com) Phone: 808-623-5676



**LATE**

PROTECTING HAWAII'S OHANA, CHILDREN, UNDER SERVED, ELDERLY AND DISABLED

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*Darcie Scharfenstein*  
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TO: Representative Dee Morikawa, Chair  
Representative Bertrand Kobayashi, Vice Chair  
Members, Committee on Human Services

FROM: Scott Morishige, Executive Director, PHOCUSED

HEARING: House Committee on Human Services  
**Tuesday, February 3, 2015 at 8:30 a.m. in Conf. Rm. 329**

**Testimony in Support of HB538, Relating to Domestic Violence**

Thank you for the opportunity to provide testimony in **support** of HB538 which would require telecommunications carriers to release victims of domestic violence from shared or family wireless plans upon written request. . PHOCUSED is a nonprofit membership and advocacy organization that works together with community stakeholders to impact program and policy change for the most vulnerable in our community, including victims of domestic violence.

Our membership includes organizations, such as Child & Family Service, Parents & Children Together, and Domestic Violence Action Center, which serve victims of domestic violence and their families. Through the work these organizations do every day, they see firsthand that financial and contractual obligations associated with wireless phone plans may sometimes serve as a barrier that prevents a victim from leaving an abusive relationship. Under the current system, the burden of financial responsibility for paying for phone service, or cancellation fees, often remains with the victim who – in many cases – has endured long standing economic abuse from their perpetrator.

HB538 would enable victims of domestic violence to opt out of wireless contractual obligations without undue financial burden, and would protect the victim's safety by more easily enabling them to obtain a new phone number.

Once again, PHOCUSED strongly urges your support of this bill. If you have any questions, please do not hesitate to contact PHOCUSED at 521-7462 or by e-mail at [admin@phocused-hawaii.org](mailto:admin@phocused-hawaii.org).